

REMARKS

Claims 1-21 are pending in this application. Claims 1-21 are rejected. Claims 1-21 remain in the case for reconsideration. Reconsideration is requested. No new subject matter has been added.

Claims Rejections - 35 USC 103

Claims 1-17 are rejected under 35 USC 103(a) as being unpatentable over "Applicant Admitted Prior Art" (AAPA) in view of Hinchley (US 6,490,250).

The Examiner states the following: "In this case (Applicant Admitted Prior Art) AAPA and Hinchley do not suggest a motivation for combining and the rejection is not relying on AAPA and Hinchley."

The Examiner then states that the rejection is relying on the knowledge generally available to one of ordinary skill in the art and that the Applicant acknowledges that it has been discovered that redundancy encoding maintains transmission of data stream.

Applicant respectfully traverses Examiner's comment that it is general knowledge to one of ordinary skill in the art to both monitor the available bandwidth of a network and then transcode the data when the monitored bandwidth is below a first present monitored bandwidth value.

The Examiner has not presented any prior art to the contrary. Further, the Examiner acknowledges that the cited prior art cited does not suggest such a combination.

There is no suggestion in Hinchley or in the AAPA of monitoring a network bandwidth and transcoding data when the monitored network bandwidth is below a first preset value as specified in claim 1.

The AAPA does not suggest this limitation. The AAPA teaches away from this limitation because the AAPA specifically does not monitor a network bandwidth and does not transcode data when the monitored network bandwidth is below a first preset value.

Hinchley, does not suggest monitoring a network bandwidth. The Examiner cites the abstract and col. 1, line 62-col. 2, line 24 as disclosing a network bandwidth monitor for monitoring a bandwidth of a network and a transcoder for transcoding the stored data if the monitored bandwidth is less than a first preset value.

However, nowhere in the abstract or in col. 1, line 62-col. 2, line 24 of Hinchley is there any suggestion of monitoring a network bandwidth or transcoding data according to a monitored network bandwidth. In fact there is no mention of a network, network bandwidth,

or monitoring a network bandwidth anywhere in the abstract or at col. 1, line 62-col. 2, line 24 of Hinchley.

Applicant also wishes to clarify comments made in the previous office action. Applicant stated the following in the previous office action response: "However, it has been discovered that at a second network bandwidth value where packets are possibly dropped from the network, the transcoding scheme described in the invention can be combined with the redundancy encoding to maintain transmission of the data stream. This is not suggested in the AAPA or Hinchley."

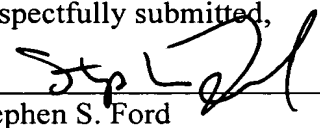
Applicant wishes to clarify that it was Applicant that discovered that at a second network bandwidth value where packets are possibly dropped from the network, the transcoding scheme described in the invention can be combined with redundancy encoding to maintain transmission of the data stream.

The Examiner has not presented any prior art that suggests transcoding data when the monitored bandwidth is less than a first present value and then redundancy encoding the transcoded data when the monitored bandwidth is less than a second preset value. It is not generally known to those skilled in the art to transcode data at a first monitored bandwidth and then redundancy encode the transcoded data when the monitored bandwidth is less than a second monitored bandwidth as specified in the claims.

Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-21 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

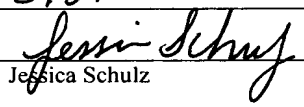
Respectfully submitted,



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